

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

LARRY WAYNE RICHARD,

Plaintiff,

versus

CIVIL ACTION NO. 1:12-CV-294

DONALD R. KELLY, *et al.*,

Defendants.

**MEMORANDUM ORDER PARTIALLY ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Larry Wayne Richard, an inmate formerly confined at the Stiles Unit in Beaumont, Texas, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff filed a notice to the court in which he stated he has no objection to the dismissal of this action. However, plaintiff did not agree with the factual background of the case as set forth in the report. Plaintiff's objections are not pertinent to the dismissal of this action. After careful consideration, the court concludes the Report should be adopted to the extent it recommended the dismissal of this action.

O R D E R

Accordingly, the report of the magistrate judge is **ADOPTED** to the extent it recommended dismissal. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of July, 2019.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE